



Building and Development Dispute Resolution Committees—Decision

Sustainable Planning Act 2009

Appeal Number:	8-15
Applicant:	Pacific BCQ
Assessment Manager:	Pacific BCQ - Don Grehan, Building Certifier A739669
Concurrence Agency: (if applicable)	Noosa Council (Council)
Site Address:	62 Park Road, Noosa Heads, and described as Lot 108 SP 184118 – the subject site

Appeal

Appeal under section 527 of the *Sustainable Planning Act 2009* (SPA) against the decision of the Assessment Manager to refuse an application for preliminary approval for building work for a new dwelling, attached garage and swimming pool at the direction of the Noosa Council as Concurrence Agency on matters related to the Detached House Code under The Noosa Plan.

Date and time of hearing:	9 March 2015 at 11.00am
Place of hearing:	The subject site and afterwards at Noosa Surf Life Saving Club
Committee:	Danyelle Kelson – Chair Georgina Rogers - Member
Present:	For the Applicant: Andrew St Baker – Owner (present at site inspection only) Don Grehan (Pacific BCQ) – Assessment Manager and Applicant Frank Macchia – Building Designer Chris Buckley (Buckley Vann) – Town Planner For the Concurrence Agency: Denis Wallace – Noosa Council Shane Adamson (Adamson Town Planning) – Town Planner

Decision:

In accordance with section 564 of the SPA, the Building and Development Dispute Resolution Committee (Committee):

- a) **sets aside** the decision of the Assessment Manager at the direction of the Council to refuse the application for preliminary approval of a Class 1a dwelling, attached garage and swimming pool;

b) **varies** the application to include the additional areas of soft landscaping proposed by the property owners and shown on Plans TP14.0 Rev B Landscape and TP15.0 Rev B Soft Landscaping dated 13 March 2015 ; and

c) **approves** the application subject to the following conditions:

1. Development is to be generally in accordance with the following Approved Plans by Frank Macchia for St Baker Residence 62 Park Road Noosa Heads:

Plan No	Rev	Plan Name	Date
TP2.0	B	Mitti Street View	13 March 2015
TP3.0	B	Park Road View	13 March 2015
TP4.0	C	Site Plan	10 April 2015
TP5.0	C	Lower Level	10 April 2015
TP6.0	C	Ground Level	10 April 2015
TP7.0	C	Upper Level	10 April 2015
TP8.0	B	Sections 1 & 2A	13 March 2015
TP9.0	B	Sections 3 & 4	13 March 2015
TP10.0	B	Sections 2B & 6	13 March 2015
TP14.0	B	Landscape	13 March 2015
TP15.0	B	Soft Landscaping	13 March 2015

2. Before commencing development on the site, the property owners must obtain all necessary development permits required to carry out the development.
3. The development is to be constructed in accordance with the floor levels and maximum overall height shown on the Approved Plans. Before the issue of the final inspection certificate, submit certification from a licensed surveyor that the as constructed floor levels and overall height are in accordance with this condition.
4. External details of the building, facade treatment and external materials, colours and finishes are to be generally consistent with the Approved Plans, in materials sympathetic to and muted tones reflective of the surrounding natural environment and existing native vegetation.
5. Before the use/occupation of the development starts, the site must be landscaped to contribute to the integration of the development within its existing context and provide a high level of amenity.
6. Such landscaping shall be generally in accordance with Plans TP14.0 Rev B Landscape and TP15.0 Rev B Soft Landscaping dated 13 March 2015 and shall use a mix of native species endemic to the area of sufficient size and in sufficient densities having regard to the expected mature spread of the species chosen and have characteristics conducive to softening the visual impact of the development when viewed from the street.
7. The landscaping shall be implemented and maintained to a high standard for the life of the development. Screening vegetation that dies shall be replaced as soon as reasonably practicable with vegetation of the same species or a similar species having the same screening characteristics.
8. Existing trees in the road reserve must be retained and protected during construction.

9. The property owners must complete all work generally in accordance with the Approved Plans, these conditions of development and where further development permits are required to carry out the development, the conditions of all current development permits.

Background

The subject site is a 1131m² allotment located on the corner of 62 Park Road and Mitti Street, Noosa Heads, more particularly described as Lot 108 on SP184118, zoned Semi-Attached Housing under The Noosa Plan.

The subject site is off-rectangular in shape with Park Road forming its north-western side alignment (26.438m frontage approximately). There is a significant vegetated road reserve between this alignment and the pavement of Park Road. The Park Road road reserve area is very steep and vegetated with native and introduced species of trees and undergrowth. There is no proposed vehicle access from the subject site to Park Road, predominantly due to the steep terrain and vegetation.

Mitti Street at the eastern road boundary alignment is the main frontage of the subject site (39.017m frontage approximately). Vehicle and pedestrian access to the site is via Mitti Street. Although currently vacant, the site has previously been developed and an existing vehicle access/crossover from Mitti Street which serviced the previous development is to be reutilised and upgraded for the proposed development. The subject site overlooks the Noosa National Park across Mitti Street, through some existing vegetation. Mitti Street is heavily used by the public for car parking and access.

An access easement runs from Mitti Street adjacent to the south-eastern side alignment of the site providing access to developments to the south and west.

There is a steep fall across the subject site along its north-western (Park Road) boundary alignment to the Mitti Street frontage of approximately 8.0m. The steep terrain across the south-eastern alignment adjacent to the access easement and falling to the Mitti Street frontage is approximately 6.0m.

The site has been previously benched or terraced to mitigate the natural fall of the land to its Mitti Street and Park Road frontages and allow development of the land. Nevertheless, the subject site appears to rise steeply from both road frontages.

A previous restaurant development existing on the subject site has been removed and the subject site has been vacant for some time.

The property owners are proposing to build a new dwelling, attached garage and swimming pool on the subject site. Plans for the proposed new dwelling show three levels:

- a) The Lower Level shown on Plan TP5.0 Rev C has a finished floor level of RL9.9 and contains the basement garage and storage areas. The Lower Level will have direct access from Mitti Street via the existing driveway access point.
- b) The Ground Level shown on Plan TP6.0 Rev C is the entry level to the main living areas and an outdoor garden and recreation area, including the pool. It has a finished floor level of RL15.3 for the living areas and for the landscape garden level at RL13.3.
- c) The Upper Level shown on Plan TP7.0 Rev C has a finished floor level of RL18.6 and is predominantly the bedroom level.

As the subject site rises steeply from Mitti Street, the Sectional drawings show the basement garage to be separated vertically from the main living areas of the dwelling by earth. This is shown

on the Sectional elevations - 2A on TP8.0 Rev B; 3 & 4 on TP9.0 Rev B and 2B & 6 on TP10.0 Rev B which indicates there is a separation between the Lower Level and Ground Level of approximately 2.0m.

The new dwelling is extensively articulated vertically and horizontally with varying heights, textures and angles. The walls have varying setback distances from the Mitti Street, Park Road and the southern alignments. Each level is articulated differently to the other appearing to create a broken and softened façade.

The garage opening at the Mitti Street level is shown as being greater than 6.0m although a sliding panel limits the opening. Access to the garage is offset and entry to the site and garage is via a curved driveway. A screen fence predominantly hides the entry to the garage.

The Assessment Manager refused the application for preliminary approval at the direction of the Concurrence Agency which provided the following reasons for its decision:

- a) The proposal is likely to dominate the site and visually impact on the vegetated entrance to Noosa National Park;
- b) The proposal does not meet the Specific Outcomes of the Detached House Code in regard to setbacks, as the proposed building is likely to impact on the amenity of Mitti Street; and
- c) The proposal does not meet the Specific Outcomes of the Detached House Code in regard to site cover, as the proposal is not of a scale compatible with surrounding buildings, will present a bulky appearance to Mitti Street and fails to provide sufficient landscaping around the building.

On 12 February 2015, Pacific BCQ (Assessment Manager), acting on authority from the property owners, lodged a Form 10- Notice of Appeal with the Committee's Registrar against the decision of the Assessment Manager to refuse the application which was made at the direction of Council as the Concurrence Agency.

At the hearing of the appeal, the Committee requested that the property owners give consideration to including additional soft landscaping to the Mitti Street frontage of the development to soften the impact of the development when viewed from the street. On or about 13 March 2015 the Assessment Manager submitted revised plans showing new areas of soft landscaping. The revised plans also provided recalculations of relevant development parameters such as site cover and landscaping provision in accordance with The Noosa Plan.

Material Considered

The material considered in arriving at this decision comprises:

Application and supporting material

1. 'Form 10 – Appeal Notice', grounds for appeal and correspondence accompanying the appeal lodged with the Committees Registrar on 12 February 2015;
2. IDAS Form 1 - Application Details;
3. IDAS Form 2 - Building work requiring assessment against the *Building Act 1975*;
4. Notice of Engagement as Private Building Certifier – Pacific BCQ, dated 18 August 2014;
5. Request for Concurrence Agency Response by the Assessment manager dated 24 September 2014;

6. Information Request by the Concurrence Agency dated 7 October 2014;
7. Response to Information Request by the Assessment Manager dated 26 November 2014;
8. General Committee Meeting Agenda for the Noosa Council dated 12 January 2015;
9. Media - newspaper articles from Noosa News, January 2015;
10. Ordinary Meeting Agenda for Noosa Council dated 15 January 2015.
11. Concurrence Agency Response – Refusal dated 19 January 2015.
12. Development Application Decision Notice issued by the Assessment Manager dated 28 January 2015;
13. Property Owners Authority to Act for Pacific BCQ on behalf of the Owners dated 2 February 2015;
14. Division 7 - Detached House Code of The Noosa Plan (including amendments to 11 May 2009)
15. Plan series (Rev A) by Frank Macchia for St Baker Residence 62 Park Road Noosa Heads dated 14 August 2014
16. Survey Plans 02-1266AE (dated 7 July 2014) and 02-1266AG (dated 5 August 2014) by MWA Surveyors & Planners

Amended plans and drawings provided 13 March 2015

17. Plan series (Rev B) by Frank Macchia for St Baker Residence 62 Park Road Noosa Heads dated 13 March 2015
18. Plan TP21.0 Rev A – Birdseye Analysis of Sitecover by Frank Macchia for St Baker Residence 62 Park Road Noosa Heads dated 13 March 2015

Additional information provided by the Applicant on (effective date) 13 April 2015 at the request of the Committee

19. Survey Plan by MWA Surveyors - 02-1266AG, dated 5 August 2014
20. Plan TP 4.0 Rev C Site Plan by Frank Macchia dated 10 April 2015
21. Plan TP 5.0 Rev C Lower Level by Frank Macchia dated 10 April 2015
22. Plan TP 6.0 Rev C Ground Level by Frank Macchia dated 10 April 2015
23. Plan TP 7.0 Rev C Upper Level by Frank Macchia dated 10 April 2015
24. Plan TP 22.0 Rev A Mitti Street Perspective Plan dated 10 April 2015
25. Plan TP 23.0 Rev A Local area street landscaping examples by Frank Macchia dated 10 April 2015
26. Vimeo Presentation “St Baker 0415” prepared by Frank Macchia and shown at the hearing

Submissions and statements

27. Statement to the Building and Development Dispute Resolution Committee from Chris Buckley dated 6 March 2015
28. Town Planning Assessment by Shane Adamson, Director Adamson Town Planning representing Noosa Council dated 6 March 2015

29. Verbal submissions at the hearing from all parties to the appeal
30. Additional Information from Pacific BCQ dated 13 March 2015
31. Review of further information and amended proposal plans by Shane Adamson, Director Adamson Town Planning dated 23 March 2015
32. Series of emails on 7 and 8 May 2015 between the Manager Building and Development Dispute Resolution Committee and the office of the project architect (Frank Macchia) Committee's clarifying plan revisions and details

Legislation

33. The Noosa Plan 2006 as amended 16 September 2013 (Noosa Plan);
34. The *Sustainable Planning Act 2009* (SPA);
35. The *Building Act 1975* (BA).

Findings of Fact

The Committee makes the following findings of fact:

Subject Site

1. The subject site is a 1131 m² allotment located at 62 Park Road, Noosa Heads, more particularly described as Lot 108 on SP184118.
2. The subject site is zoned Semi-Attached Housing under The Noosa Plan.
3. The subject site is currently vacant. The site was previously occupied by "Cocos" restaurant which was demolished about 10 years ago.
4. There is an existing retaining wall constructed to the rear of the subject site and evidence of previous benching or terracing altering ground levels across the site.
5. The subject site is vegetated with a mixture of introduced and native species.
6. The active frontage of the subject site is to Mitti Street and it has driveway/crossover access from that frontage.
7. The subject site falls steeply from the rear alignment to Mitti Street.
8. The Park Road frontage of the subject site is adjacent to very steep terrain classed as road reserve rising up from the surfaced road pavement. The road reserve is covered in vegetation. There appear to be no plans to develop this area into a trafficable road.
9. The neighbourhood consists of detached dwellings and unit developments which are constructed on the hills rising above the subject site. They are a mix of multiple storey developments of varying character, style, colours and textures presenting a diverse architectural blend ranging across many decades. There is no consistent architectural aesthetic or amenity style within the area.
10. The developments to the rear of the site generally would dominate the subject site and the neighbourhood; however the visual dominance is significantly reduced by vegetation growing in the area.
11. The subject site faces the Noosa National Park on the opposite side of Mitti Street. The National Park is heavily frequented by visitors and there is a very high demand for vehicle parking within Mitti Street and the neighbourhood.
12. There is an easement to the south of the subject site which gives access to the dense residential developments surrounding the site to the south and west.

Application Process

13. The property owners lodged a Development Application for preliminary approval for building work with the Assessment Manager on 18 August 2014 for a proposed new dwelling, attached garage and swimming pool.
14. The Assessment Manager lodged a Request for Concurrence Agency Response with the Council on 24 September 2014. The request related to assessment of the application against the performance provisions of the Detached House Code specifically in relation to the proposed height of the dwelling and its setback from Park Road and Mitti Street.
15. The Concurrence Agency responded with an information request on 7 October 2014 relating to setbacks, steep slopes, height, site cover, roof form and garage.
16. The Assessment Manager responded to the information request on 28 November 2014 with a schedule which addressed the issues.
17. When the application was considered by the Concurrence Agency at its General Committee Meeting on 12 January 2015 it had before it the report of its officers recommending that it “.. approve the application in accordance with ... conditions.”
18. The Noosa News reported the proposed development on 13 January 2015. A separate media report on 15 January 2015 indicated the development was likely to be “rejected” by the Concurrence Agency.
19. When the application was considered at the Concurrence Agency’s Ordinary Meeting on 15 January 2015, the Concurrence Agency determined to refuse the application, for the reasons stated in its Concurrence Agency Response – Refusal dated 19 January 2015 as follows:
 - a) *The proposal is likely to dominate the site and visually impact on the vegetated entrance to Noosa National Park*
 - b) *The proposal does not meet the Specific Outcomes of the Detached House Code in regard to setbacks, as the proposed building is likely to impact on the amenity of Mitti Street; and*
 - c) *The proposal does not meet the Specific Outcomes of the Detached house Code in regard to site cover, as the proposal is not of a scale compatible with surrounding buildings, will present a bulky appearance to Mitti Street and fails to provide sufficient landscaping around the building.*
20. As directed by the Concurrence Agency, on 28 January 2015 the Assessment Manager advised the property owners that the application was refused.
21. This appeal was commenced on 12 February 2015 against the Assessment Manager’s decision.

The development

22. The application for preliminary approval for building work sought to facilitate development of the subject site with a Class 1a dwelling, garage and pool over three levels.
23. The building and appurtenances has been designed responsively to the subject site’s topography which is steeply sloping and which, as a legacy from previous development of the site, has been benched and terraced affecting the ground levels across the site.
24. The Lower Level shown on Plan TP5.0 Rev C has a finished floor level of RL9.9 and contains the basement garage and storage areas. The Lower Level will have direct access from Mitti Street via the existing driveway access point. It is set into the site and in sectional view, it is apparent that much of it is below natural ground level. Setbacks from Mitti Street to the Lower Level average a minimum 4.5m.

25. The Ground Level shown on Plan TP6.0 Rev C is the entry level to the main living areas and an outdoor garden and recreation area, including the pool. It has a finished floor level of RL15.3 for the living areas and for the landscape garden level at RL13.3. The finished floor level is generally in line with the natural ground line. Setbacks to the Ground Level from Mitti Street range from 4.5m to 16.656m.
26. The Upper Level shown on Plan TP7.0 Rev C has a finished floor level of RL18.6 and is predominantly the bedroom level. The plans indicate that a minor area of an articulated façade treatment to the Upper Level may slightly exceed 8m above the surveyed natural ground level.
27. The architect has professionally and expertly articulated the façade of the building through angles, varying setback distances, voids and screening. Natural colours are proposed which will further blend the dwelling into its setting. The steepness of the surrounding terrain and massing of existing neighbourhood built form provides backdrop which diminishes the effect of the massing of the proposed building.
28. At the request of the Committee, the Applicant proposed an additional area of landscaping and improved boundary fencing at the Mitti Street frontage of the subject site as shown on Plans TP14.0 Rev B Landscape and TP15.0 Rev B Soft Landscaping dated 13 March 2015. It is accepted by all parties that the revisions to the landscaping provision meet the requirements for soft landscaping within the Detached House Code of The Noosa Plan.
29. The landscaping will further ameliorate the presentation of the building to the Mitti Street frontage.

Reasons for the Decision

1. The application is for preliminary approval for building works to permit the development of the subject site with a Class 1 dwelling, garage and swimming pool. Further development approvals for building and plumbing work will be required before development can proceed.
2. The subject site is within the Semi-attached Housing Zone under The Noosa Plan. The construction of a Detached House is a consistent use in that zone.
3. The Detached House Code in Division 7 of The Noosa Plan (the Code) is the applicable code regulating detached housing. Section 14.50 of the Code provides that development that is consistent with the specific outcomes of the Code complies with the code.
4. It is accepted that the Code specifies a number of Probable Solutions which, if met, would ensure development was compliant with the code. The Noosa Plan provides that:

“2.8 Probable solutions for code assessable development

2.8.1 A probable solution for a specific outcome provides a guide for achieving that outcome in whole or in part, and does not limit the assessment manager’s discretion under the IPA to impose conditions on a development approval.

2.8.2 Probable solutions identified in the Noosa Plan are not exhaustive and alternative solutions that achieve the outcomes and purpose of the applicable codes may be proposed by applicants.”

Setbacks

5. Specific Outcome O1 of the Code requires that buildings and other structures be appropriately designed and sited to meet a number of criteria essentially related to visual and/or acoustic amenity for the development and the surrounding area and uses.
6. Probable Solution S1.1 of the Code provides, in relation to setbacks, that a Detached House meeting the minimum setbacks specified in Schedule 1 of the Code will be

consistent with the Code. For the Semi-Attached Housing Zone, the relevant setback from street frontages for a two storey house is 6m.

7. The development has two street frontages to Park Road and Mitti Street. Reduced setbacks to both street frontages are proposed.
8. On Park Road, the minimum setback is 2.5m. It is accepted by all parties that given the topography and extent of the road reserve on Park Road between the pavement and the boundary of the subject site, the reduced setback in this instance will not have an impact on the amenity of the area.
9. Given the design of the dwelling, setbacks from Mitti Street are variable. At the Lower Level, setbacks average 4.5m, with a 3.9m as a minimum; at Ground Level, setbacks range from 4.5m to 16.656m. Setbacks to the Upper Level are of greater distance.
10. The bulk of the dwelling as shown in the perspectives is minimal when viewed from Mitti Street. The façade of the building is articulated through angles, varying setback distances, voids and screening. It is proposed to use natural colours and materials which will further blend into its setting. The steepness of the surrounding terrain and massing of existing surrounding built development provides a backdrop which diminishes the effect of the massing of the proposed building.
11. Landscaping designed to reflect the surrounding vegetation and Council requirements will complement and further ameliorate the visual impact of the built form on the surrounding uses, including the Noosa National Park.
12. The Committee is satisfied that the development meets Specific Outcome 1 of the Code.

Site Cover and Landscaping

13. Specific Outcome O9 of the Code generally requires that a building is of a scale that is compatible with surrounding development and does not present an appearance of bulk to adjacent properties, roads and other areas in the vicinity. The Probable Solutions attempt to regulate this by way of limiting site coverage (S9.1) and requiring that soft landscaping to a minimum 20% of the site area be provided (S9.2).
14. At the hearing of the appeal, the Committee requested that the property owners consider amending the plans to provide additional areas of soft landscaping to ameliorate possible visual amenity impacts of the development to its Mitti Street frontage. Amended plans were subsequently provided showing an area of additional soft landscaping Plans TP14.0 Rev B Landscape and TP15.0 Rev B Soft Landscaping dated 13 March 2015. With the inclusion of the additional proposed soft landscaping area, all parties accept that the landscaping provision meets the requirements of Probable Solution S9.2, for a minimum 20% of site area.
15. In response to the Committee's request for further information, the property owners provided Plan TP21.0 Rev A – Birdseye Analysis of Sitecover. All parties accept that the maximum site cover of the development is about 50% and that the development therefore generally complies with Probable Solution 9.1.
16. The building proposed for the subject site will be compatible with the surrounding development which consists of detached dwellings and unit developments of varying character, style, colours and textures presenting a diverse architectural blend ranging across many decades. There is no consistent architectural aesthetic or amenity style within the area. The development will be a residential dwelling, well designed and articulated and responsive to the topography of the subject site and with finishes and treatments that will blend into its existing surrounds.
17. It is further noted that factors including the subject site's steeply sloped and extensively terraced terrain, which affect the footprint of the building and its presentation to the street in elevation; the varying setbacks from the Mitti Street road reserve which attenuate its appearance and landscaping treatments and external finishes which will soften the effect

of the building ensure that the building will not present an appearance of bulk to adjacent properties, roads or other areas in its vicinity.

18. The Committee is satisfied that the development meets Specific Outcome 9 of the Code.

Building Height

19. Specific Outcome O8 of the Code generally regulates building heights as follows:

“Buildings and other structures—

a) are low rise and present a building height consistent with structures on adjoining and surrounding land;

b) have a maximum building height of—

...

iv) otherwise— 2 storeys;

c) do not visually dominate the street, surrounding spaces or the existing skyline;

d) preserve the amenity of surrounding land including privacy, views and access to sunlight;

e) respect the scale of surrounding vegetation; and

f) respond to the topography of the site by stepping down the slope or sitting above the ground level on stumps, for sloping sites.”

20. The Probable Solution provides a maximum building height in metres and storeys of 8m and 2 storeys.

21. The following definitions from The Noosa Plan are relevant:

*“**basement** means a space where the ceiling height projects no more than one metre above both the natural ground surface and the finished ground level, and where access to the basement is limited to one opening a maximum of 6m wide.*

***building height in metres** means the vertical height of a building measured from the finished ground level and the natural ground surface to the top of the roof or parapet at any point.*

***building height in storeys** means the number of storeys in a building measured vertically at any point, provided that a basement shall not count as a storey.”*

22. The Lower Level basement car parking is shown in the sectional plans to be buried into the site below the natural ground line. The garage opening is greater than 6m, however a sliding access door means that the aperture is not greater than 6m at any time. The landscaping and boundary fence to Mitti Street ensure views of the garage opening is minimal. The Lower Level does not add bulk to the building.

23. The finished floor ground level of the dwelling is shown in sections to be generally in line with the natural ground line of the site, indicating it to be the first storey above the natural ground line.

24. The upper floor level is over part of the ground level of the dwelling and is shown in the sectional drawings to form the second storey above the natural ground level of the site.

25. Any areas of the development which may constitute 3 storeys appear to be of a very minimal extent, if any, or relate to connection and circulation areas.

26. The definition of building height in The Noosa Plan set out above, suggests that it is to be measured from *both* the finished ground level and the natural ground surface.

27. As has been repeatedly stated, the natural ground level of the site is steeply sloping and has been altered by benching and terracing to facilitate its development and use. As such, the finished ground level is markedly different to the natural ground level.

28. On steep terrain, which has been altered to accommodate development, it is very difficult if not practically improbable to have both natural and finished ground levels in the same

plane, as one is angled and one is likely to be straight. The Committee concludes that, as it applies to steep terrain, the “and” in the definition of “building height in metres” should be considered disjunctive to give practical effect to the provision and that in the circumstances, height is to be measured from natural ground level only.

29. Having regard to the finished height of the building shown on the Approved Plans, it is evident most of the building is below 8m above natural ground level. There is a small area of the articulated projections from the upper level that appears to be above 8m. These projections provide visual interest only and are not considered to offend the intent of the Specific Outcome.
30. The design of the building is very sympathetic and responsive to the topography of the subject site. Set into the site as it is, it will not affect the privacy, views or access to sunlight of adjacent land or development nor will it visually dominate the street, surrounding spaces or existing skyline.
31. The Committee is satisfied the development as a whole meets the intent of Specific Outcome 8 of the Code.

Danyelle Kelson
Building and Development Committee Chair
Date: 8 May 2015

Appeal Rights

Section 479 of the *Sustainable Planning Act 2009* provides that a party to a proceeding decided by a Committee may appeal to the Planning and Environment Court against the Committee's decision, but only on the ground:

- (a) of error or mistake in law on the part of the Committee or
- (b) that the Committee had no jurisdiction to make the decision or exceeded its jurisdiction in making the decision.

The appeal must be started within 20 business days after the day notice of the Committee's decision is given to the party.

Enquiries

All correspondence should be addressed to:

The Registrar of Building and Development Dispute Resolution Committees
Building Codes Queensland
Department of Housing and Public Works
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